## CONGRESS.

THURSDAY, JANUARY 2, 1851.

IN SENATE.

Mr. DAVIS, of Mississippi, from the Committee on Military Affairs, to which was referred the report of the Secretary of War enclosing a copy of the proceedings of the court-martial in the case of William Hanniver, and the memorial of the citizens of Portsmouth, New Hampshire, asking a revision and modification of the military code of the United States, submitted an elaborate report, which was ordered to be printed, closing with asking to be discharged from the further consideration of the report and petition, which was agreed to.

On motion by Mr. DAVIS, ordered that the memorial and accompanying papers be printed.

BILLS ON LEAVE. Mr. GWIN, in pursuance of notice, asked and obtained leave to introduce a bill to provide for the survey of the public lands in California, the granting of donation privileges therein, and for other purposes; which was read a first and second time by its title, and referred to the Committee on

Public Lands.

Mr. BERRIEN, in pursuance of notice, asked and obtain ed leave to introduce a bill to amend an act entitled "An act to authorize notaries public to take and certify oaths, affirmations, and acknowledgments in certain cases; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

FORTIFICATION OF SHIP ISLAND.

The bill to provide for the fortification of Ship Island, off the coast of Mississippi, was read a second time, and the Senate proceeded to consider it as in Committee of the Whole. The bill proposes to appropriate \$30,000 for the fortification of Ship Island.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

CALIFORNIA LAND TITLES.

On motion of Mr. GWIN, the Senate resumed the consideration of the "bill to ascertain and settle the private land claims in the State of California;" the pending question being on the substitute offered by Mr. Gwin.

Mr. GWIN. Mr. President, I will state briefly my reasons

Mr. Gwin. Mr. President, I will state briefly my reasons for proposing this amendment. In the first place, the act of the 23d May, 1824, passed in reference to land claims in Missouri and Arkansas. This bill provides, in the seventh section, that the Supreme Court, in acting on cases taken to that tribunal, shall be governed by the principles of the set of 18th May 1824. Court, in acting on cases taken to that tribunal, shall be governed by the principles of the act of 16th May, 1824, so far as they are applicable. I wish also the action of the commissioners and the District Court, as well as the Supreme Court, to be in accordance with the principles of this act, so far as they are applicable. But then another important provision is the act of 23d May, 1828, which I wish to have revived and enforced before the Board of Commissional District Court and Principles of the sioners and District Courts, in part repealing portions of the act of 26th May, 1824, and also extending the power conferred by it. These provisions are contained in sections eight, nine, and eleven of the law. Section eight repeals the onerous provisions of the law of 1824, which required the claimant to pay the costs of appeal when the decision given was in his favor; also, that portion of the laws requiring "claimants to make adverse claimants parties to their suits, or to show the court what adverse claimants there may be to the land claims of the United States." Section nine limits the appeal to claims that exceed a league square, unless the At torney General thinks the decision of the court below to be erroneous. Section eleven makes it lawful for the President to employ assistant counsel, if in his opinion the public interest shal require it. This I consider a very necessary provision of this bill, when we take into consideration the immense amount in issue in some of the claims that we know will be contested. The ablest counsel in America will be employed by the claimant, and the district attorney may find it impos-sible to do justice to the interests of the United States in these cases, and perform the other indispensable duties of his office. It is a discretionary power given to the President, and he will be responsible if he exercises it without necessity,

thus increasing the public expense.

Mr. BENTON. Mr. President, I propose to offer an amendment to the bill which has been presented by the Sen-ater from California, which is, to strike out the whole of that bill, and substitute a totally different system. Of my intention to do this I gave notice at the last session. I then also stated to the Senate that since the marvellous times when Great Britain was conquered by William the Con-queror, and when all the lands of the country were considered as belonging to the conquerors, and especially in the age in which we live, there never had been an instance of a country, conquered by arms or ceded by authority, in which the land titles of the whole country were arraigned in a mass, making the whole invalid until proved to be good. I stated that to be a principle unknown in the civilized world at this day. And I then stated that I regretted it; and I stated my hill should have felt themselves so far influenced by what was being done in the cases of Louisiana and Florida as to conform to the idea of bringing in a board of commistitles of the country are to be arraigned, and to be held ingauntlet of three different lawsuits; for the gauntlet is to be run, and, in every case and every time, before a tribunal appointed by the United States Government itself, which the other party have not the right even to object to, which they would have in a trial at law.

I took occasion then to bring before the Senate this case,

and I stated that such a principle as that applied to California or New Mexico would be perfectly equivalent to a general confiscation of landed property in the country, and that of the two it would be more merciful at once to pass an act of general confiscation, so as to permit the people to go to work in some other way to obtain land, and to save the expenses, anxieties, and, I believe I may say, the horrors of going through three lawsuits for their property, and one of these lawsuits three thousand miles from where they live. I brought before the Senate and the country as strongly as I could at the last session, and at last conquered in that one of the plans which was laid before the Senate, which undertook to make the first decision in favor of the claimant valid against the United States. I thought myself that it was but a small matter when the United States have brought up claimants before a board of its own constituting, men appointed by themselves and paid by themselves, and when this board had given a decision in favor of a claimant that it should stand. But the substitute which is before us goes the whole length of running the gauntlet of all three trials. And what must It must be that the claimant, except in some great cases, and cases in which probably some American is arraigned—so much are the French and Spanish afraid of lawsuits-that the parties will surrender their claims rather than undertake to pursue them through three lawsuits. I have deemed it particularly hard to apply these principles to any people, and especially to the people of California, who were induced by the most liberal assistance on the part of the Crown of Spain to go there and accept these lands as a gracious gift. The people were induced to go there, sir, and accept these lands as a gracious gift; they were offered great inducements to accept of them. They received assistance from the Crown of Spain, or from the Government, in taking possession of the lands, and cultivating them, besides direct aid; and afterwards they were exempted from contributions for a certain number of years, and military stations—præsidis, as they are called—præsidis in the Latin—were established for

the purpose of protecting the settlers in their rights.

Now, sir, these people, after having been induced to accept these lands as a gracious gift, after having been paid to accept them, and being exempt from contributions for several years, in the course of events fall under the dominion of the United States incontinently, and at the same moment when we with two strokes of the pen pass off 95,000,000 of acres of public land—call it a hundred millions—equal to four States as large as the State of Ohio, all gone in two acts—at this moment these threefold trials are to be brought against the people of California, to take away the lands which they were

duced to accept from the Crewn of Spain.

Sir, the Crown of Spain was a despotism, but there are some respects in which it was the kindest and most paternal of Governments, and one of these was in giving land to every citizen according to his pursuit and station in life. If he was in a town or village he received a portion of land of a certain number of varas square—a vara is a little more than a yard, or three geometrical feet—and they gave him an outlet in the common. That was for an inhabitant of a village or pueblo. After that, they gave to farmers to inundate and to cultivate lands which were proper for cultivation, taking care that they should have land, if there were such, which was cultivable and fit for cultivation by rain which fell upon it Others cultivated by irrigation, and where water was necessary the water was divided so that every one should have his proportion. These isses were called irrigable lands, and the others which were watered by rain were called a temporal. Besider that, they gave ranchos, consisting of large districts, but not quite as large as were formerly given in these colonies: not quite as large as Maryland gave to Lord Calvert, or Pennsylvania gave to William Penn; but what seems to be large compared to our forty-acre grants. They gave lands, sir, and it is curious that there were more minimums than maximums. It was more frequent that the grant declared that the grant should not be less than it should not be more; and under the limitation of more, the ordinary grant for th purposes of raising stock or for a rancho, was eleven sideo. A sideo was one league square, and this was the maximum which a colonial or local authority could grant.

The Spanish Crown throughout Texas and every where else, besides all those indocements to get settlers, had a class of settlements to be made by what the Spanish law calls an empressario, which may be translated contractor, and this interestedly—acting, as I believe, justly towards a people who cannot help themselves. In whatever Mr. Farmour procuring persons to come and settle on the land. Usually a has done he has been disinterested—acting in a manner

large district was appropriated to the contractor, out of which he was to grant so much to every settler, and then he was to have five sideos, five tracts of one league square, for every hundred families that he could get to settle upon the land. So anxious was the Spanish Government to forward the settlement, that, so far from selling the land to the settler, it was not only given to him, but he was induced to take it by helps the settlement, and set that it may be printed.

The metion to the people of the country which we have acquired; and it is not his intention, nor is it my intention, that there shall be any pretext for impeaching his disinteredness or mine. My bill therefore provides for an appeal to the Supreme Court of the United States in every case where the decision is against the claimant. I now offer my the settler to the people of the country which we have acquired; and it is not his intention, nor is it my intention, that there shall be any pretext for impeaching his disinteredness or mine. My bill therefore provides for an appeal to the Supreme Court of the United States in every case where the decision is against the claimant. I now offer my contract the country which we have acquired; and it is not his intention, nor is it my intention, that there shall be any pretext for impeaching his disinteredness or mine. My bill therefore provides for an appeal to the Supreme Court of the United States in every case where the decision is against the claimant. I now offer my contract the country which he was just to the people of the country which he was just to the people of the country which he was just to the people of the country which he was just to the people of the country which he was just to the people of the country which he was just to the people of the country which he was just to the people of the country which he was just to the people of the country which he was just to the people of the country which he was just to the people of the country which he was just to the people of the country w to have five sideos, five tracts of one league square, for every hundred families that he could get to settle upon the land. So anxious was the Spanish Government to forward the settlement, that, so far from selling the land to the settler, it was not only given to him, but he was induced to take it by helps given to the poor in the way of exemption from tithes to the church, as well as from contributions for a certain number of years; and then, after all, there would be a class of contractors employed to get people to go and settle there, paying them at the rate of five leagues square for every hundred families procured to settle upon the land.

Now, sir, when we have got possession of such a people

Now, sir, when we have got possession of such a people as this, how strange it is to find ourselves arraigning at once every title, holding every title to be a fraud against the United States, until these parties shall prove in three different courts, and one of them the Supreme Court of the United States, that they were not frauds against the United States.

Mr. President, when was California settled? About the time of the commencement of our revolution. I speak of Upper California, not the peninsula, which was settled long before that day. But I speak of that California which is before that day. But I speak of that Californis which is now ours. It was settled contemporaneously with the breaking out of our revolution, about contemporaneously with the settlement of Kentucky. Now suppose a case which might be analogous: suppose Kentucky had either just now been acquired by us by cession, or that she had joined us as Texas did, or that she had been ceded to us by some foreign Power. In either case suppose any Power should undertake to enforce upon Kentucky what we now propose to undertake to enforce upon California, requiring every citizen to go before a tribunal and make good his title to his land, and then go before another tribunal and make it good there, and after that make other tribunal and make it good there, and after that make him come before the Supreme Court of the United States, and if he did not make it good in all three cases, take away his land and give it to the public. Suppose we undertake to do such a thing as that in Kentucky. Sir, we would have a revolt in which the men of Kentucky would quit these United States. That is what we would have. Yes, sir, they would quit the United States, the whole of them. I say then, sir, that such a system as this cannot be carried out, except it is against a feeble people, too feeble to resist; such as may be unable to resist the power of those who want their sub-stance and may be crushed by the Government. It cannot be done with respect to any other people than those thus

The question comes up for the United States to decide

The question comes up for the United States to decide, whether or not they will undertake to go against the interests of the people of California in that way. There may be a hundred thousand people there for aught I know, who want the lands of the few, and they may outnumber them. The United States is strong enough to crush every man within the State of California, and that people cannot help themselves. The only resource which they have is that which I have seen too many have recovered in the State of Missouri when too many have recourse to in the State of Missouri, when harassed by such boards as the United States have established; poards who pay court to the Federal Government, ensuring their own promotion by raising the cry of frauds against the United States in grants made before the United States were born. That is what we have seen there. Sir, the question has to come up, and I mean to make it before the American people, whether or not they are to be served in that way. I do not care how few they are who have claims now, or how many they are who want their property; I for one mean to make a stand for them, and not put them to the resource of flying for new grants of land from Spain, as I have seen them do, with curses and execrations upon the American Govern-ment, telling them to take the land which the King of Spain had given. I want to see whether the United States is going nad given. I want to see whether the United States is going to sustain them. I mean to bring up the question, that it may be fully and entirely settled. Mr. President, I say that no people, unless they are entirely too weak to fight, would submit to what we propose, and some who have been too weak to fight have revolted under such circumstances; nay, under a slight suspicion that such things were to be forced upon them. Sir, the most tayable were to Sir, the most terrible revolt ever seen in the annals of the human race, perhaps, was that which occurred in October, 1779. in the city of Cairo, a revolt against the power of the French. That was a revolt which raged during four days, when the French were assailed in their houses, many of whom were killed, and which required the artillery force of the greates general in Europe to quell it. What did it come from? I came from merely a request to the people to give in a list of their titles in order that they might be registered. This was in consequence of an intention on the part of one of the great-est generals and greatest statesmen to elevate them, by causing the titles to be registered for the purpose of raising them t the tenure and dignity of the feudal tenure in English, whice the tenure and dignity of the feudal tenure in English, which would be an advantage to the landholders of Egypt; for at that time they held them not by a feudal tenure only, to be forfeited by treason to the sovereign, but they held them at the mere will and pleasure of the sovereign, who reclaimed them when he pleased without assigning any reason. The design of the intendant, who was an able man, was to raise the dignity of these titles to that of the feudal tenure, so that they could be forfeited only for treason. He who was the greatest statesman as well as the greatest general hesitated a long time before he consented. He went to his intendant, stating to him how difficult it would be to touch the titles, and saying that there was no knowing to what degree the country might be excited and alarmed, by merely asking for a register of their titles, without benefiting themselves. Every thing turned out as that man feared. The people looked upon that call to register their titles as worse than taxation. The great est revolt ever known sprung out of that, and by one single city. The great Emperor might have extermine ed them, but he pitied them, and gave peace, and did not put one single individal to death; for he knew they were alarmed to the deepest extent, and he knew there was an excuse for them, and that they had suffered enough without putting any of them to dea h. Now, if the people of Cairo were in California, and if we proposed to register their titles even, it might bring on a revolt; but the people of California may not revolt.

They are but a few; their resource will be to fly from the country, and that will be done.

Mr. President, what must be the effect on the people of California when the news of such a thing has arrived among them? What must be the effect upon the people who have been some three generations in possession of their land, when they find they have to run the gauntlet of three lawsuits, and have the greatest lawyers employed against them, as many as the wealth of the United States can engage to try them before American tribunals? What can be their feelings, except that their whole property is to be immolated? All they have to do is to give it up at once, for nothing would remain to them but disturbance, discouragement, and despair throughout all that part of California which we have acquired We are strong enough to crush them at once. Shall we do We are strong enough to make them fly. Shall we do

That is the question.
We have presented to our minds, in some of the public prints, the idea of possessions in the hands of private persons in California worth millions, thousands of millions. When these hundreds and thousands of millions come to be weighed and measured, I apprehend they will be found to be

but a poor remnant of these immense sums.

I intended, as I gave notice at the last session that I should do it, to bring forward some plan different from all that have been proposed. There was then passing through my mind a plan which I have drawn up, and which I think has some system in it, some equity in it, and which, if it can be properly explained to the people of the country, will save them from that alarm, agitation, and despair, into which all people must be thrown upon the apprehension of having their pro-perty taken from them. Let any one of us be informed that e has been picked in the title by which we hold our proerty at home : that we are to have a lawsnit to test our title Every one thus situated would quit his station here in this chamber, and go home at once to attend to it; and he would not rest until his title was made secure. But here we are going to strike a whole Province, a people who speak a dif-

ferent language, a people of a different religion, and lately breught under our dominion by the power of the sword. To prevent this I have brought forward a plan which has some system. The first feature of the plan is to collect the evidence upon which the claims rest; and for that purpose to appoint a recorder of land titles, who, upon due notice, and by going to every part of the country, shall call upon the people to give the evidence of all their titles, giving him the original papers for the purpose of taking a copy of them, which he shall record. After he has thus got copies of all the titles collected, which may be done perhaps in a single season, he is to make out an abstract and send it here to the Government of the United States, for the Government to examine and as-certain the title to every claim. Then, in conjunction with the district attorney, he is to examine over all these claims, and in cases where he shall conclude the titles are invalid to any cause, no matter what, the recorder of land titles and strict attorney shall cause a scire facias to be issued against the party whose title shall be impesched, and he shall be required to come into court and give reasons why it shall no be cancelled. In that way the impeachment of titles will be confined to cases in which two officers shall decide that there are some reasons for questioning their validity. The plan proceeds to secure to those who occupied certain classes of property in small parcels in the possession of it at once, with-out being subjected to the chances of a scire facias against them. In the first settlement of California, by a special decree of the captain general of the internal western provinces of Mexico, four leagues square were given to the inhabitants of the towns for their lots. These four leagues belong to them thus measured—two leagues every way. My bill provides that these four leagues shall be confirmed to these people without bringing each one of them to fight for his little lot, without bringing each one of them to fight for his lit

for so many varas, so many yards square.

My bill provides that, upon the trial of this scire facias, it the decision goes in layor of the claimant, it shall be conclu sive against the United States in all cases but one. There is one single case in which it is not to be conclusive by my bill, and in which there may be an appeal to the Suprem

Court of the United States.

Whatever I have done upon this subject I have done dis

The motion to print was agreed to.

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Mr. GWIN. Mr. President, when I called up this bill a few days ago, the Senator from Missouri (Mr. Benton) is reported to have made the following statement:

"Upon looking into the amendment, I believe that when the time comes that there is a full Senate—for the bill requires a full Senate to attend to it—I shall be able to show that the effect of the bill will be to violate our treaty with Mexico; to violate the law of nations; to violate the proclamation of Com. Stockton; to violate the capitulation at Monterey; and the effect of it will be to despoil the old inhabitants of California of their lands."

The Senator in his speech to-day has proceeded to substantiate these charges against the bill, with what success I will leave to the Senate and the country to decide after the discus-

Before proceeding to reply to the Senator's remarks, I wish to call the attention of the Senate to the personal bearing of the charges brought against the bill by the Senator in the extract I have read. The amendment to my colleague's (Mr. Farmonr's) bill, adopted by the Senate in Committee of the Whole, and now before us for our action, was presented by me after full consultation with my colleagues in the other house, (Messrs. Gilbert and Wright.) It therefore presents the views of the delegation from California, except my colleague, (Mr. Frement, and for the principles it embodies we are responsible to our constituents and to the country. It may be proper to remark, that prior to our election my colleagues (Messis. Wright and Gilbert) and myself dec'ared our opinions in favor of this mode of settling private land claims in California, and especially that important provi-sion granting both the claimant and the United States the right of appeal for final adjudication to the Supreme Court of the United States. These were our opinions openly and bold-ly avowed before we were elected. What was the opinion of my colleague (Mr. Farmont) before his election, may be inferred by the following extract from a letter addressed by him to his personal and political friend; Major Jacob R. Snyder, which was freely circulated among the members of the Legislature and through the country, before the Senatorial election took place :

"I regard the claim to the Mariposa in the same light a "I regard the claim to the Mariposa in the same light as any other vested right. It was a purchase fairly made, and I have always supposed that at some future time the validity of the claim would be settled by the proper courts, and I am satisfied to await that decision, whether it be favorable or otherwise, and is the mean time leave the gold, as it is now, free to all who have the industry to collect it."

There were a number of candidates for the Senate and House There were a number of candidates for the Senate and House of Representatives, every one of whom, so far as I know, was in favor of the principle of leaving the final adjudication of private land claims in that country to the Supreme Court of the United States. There may have been some difference of opinion as to the preliminary proceedings, whether they should take place before a board of commissioners or the district courts, but none, so far as I know or believe, as to the tribunal where they were to be finally acted on. I have made this statement, Mr. President, to show tha

the indictment filed by the Senator from Missouri (Mr. Ben-ron) against this bill covers broad ground in California, and row) against this bill covers broad ground in Cambridge, arraigns nearly all, if not every man in the State, who aspired to a seat in Congress on the organization of the State Government. And sir, I go further, and say, so far as my knowledge extends, the landholders of that country desire this mode of giving them a final and speedy adjustment of their claims. There may be exceptions, but I have not met with them, and I freely canvassed the State to ascertain as far as I could the opinions of those interested in the subject. One of the largest landholders in California, and probably as deeply interested in a pecuniary point of view in these land claims as any man in the State, has had frequent interviews with me since I brought this bill befo the Senate, and has declared his unequivocal preference for over that of my col-league. I made some immaterial amendments to the bill at league. I made some immaterial amendments to the bill at his suggestion, and no man more anxiously desires its passage than he does. He says, what every man who knows any thing of public sentiment in California must say, that no board of commissioners whose decisions in favor of land claimants in that country would be final, could command public confidence are matter than distinguished its matter than the country would be final, could command public confidence are matter than the country would be final, could command public confidence are matter than the country would be final, could command public confidence are matter than the country would be final, could command public confidence are matter than the country would be final, could command public confidence are matter than the country would be final, could command public confidence are matter than the country would be final, could command public confidence are matter than the country would be final to the country would be final to the country would be finally confidence are matter than the country would be finally confidence are matter than the country would be finally confidence are matter than the country would be finally confidence are matter than the country would be finally confidence are matter than the country would be finally confidence are matter than the country would be finally confidence are matter than the country would be finally confidence are matter than the country would be finally confidence are matter than the country would be finally confidence are matter than the country would be finally confidence are matter than the confidence are matter than ic confidence, no matter how distinguished its member may be for learning, talents, and integrity. It would be impossible for the decisions of such a tribunal, if favorable to the large contested claims, to be carried into effect without bloodshed. There is not power enough in this Government to enforce such decisions in that country. Sir, the Sen-ator says this bill "despoils the old inhabitants of California of their lands." By whom is this charge made? By Senator representing a State far removed from California, who senator representing a State far removed from Camornia, who is in no way responsible to the people of that State for his acts. And against whom is brought this heavy charge of despoiling a portion of the people of that State of their lands? The entire delegation from California in the other House and one of her representatives here. Sir, I do not process to be very familiar with the history of parliamentary proceedings in this body, but I venture to say that never before in the history of the Government has the delegation from a State been thus charged by a member of either House of Congress with a of which was the despoiling of a portion of their constituents of their property. This will be the commencement of a new era in our Congressional history, and hereafter it will be the ngressional history, and hereafter it will be the practice, if this precedent is adopted, for Congressional delegations to be arraigned by those representing other portions of the Confederacy, and charged with the gravest offences against their own constituents. Members of Congress have been accused of asking for their constituents more than Congress thought them entitled to, but this is the first instance within my knowledge that they have been charged with despoiling their constituents to enrich the General Government.

The position of the delegation from a new State is at all times delicate, and their duties arduous. They, if any members of Congress, are entitled to have extended to them the generous confidence of their associates. Forced by the necessities of their State to bring forward many and important measures, the passage of which are essential to the prosperity of their constituents, and subjected to be assailed at home by jealous rivals and persons whose private interests may clash with the legislation for the benefit of the State at large: charged with doing too little by seme, and too much by others; and, no matter how pure their motives, falsely assailed by base and unscropulous calumniators, with legislating for their own bene-fit, a member of Congress from a State just admitted into the Union has to pass through an ordeal that no man can appreciate until he tries it. I do not wish to be understood a complaining of the charges made against my colleagues and myself by the Senator from Missouri. I am prepared to meet and refute them. I am not here the representative of any separate portion of the people of California—the land owners, or those who have no land. I represent the State as a whole, and I intend, to the best of my ability, to do justice to every portion of my constituents. The land claimants shall have full and ample justice at my hands. They shall have, so far as it is in my power to give it to them, the full benefit of the treaty of Guadalupe Hidalgo, and the usages and customs of the Governments by whom these claims were granted. Like other citizens of our country, they must abide by the decisions of our judicial tribunals, and if their claims are founded in

justice they have nothing to fear. I shall now proceed to examine the arguments of the Sen ater from Missouri, and ask of the Senate an impartial decision between us. To most of us who have turned our attention to the subject of land titles in California, the argu ments the Senator has used to-day are quite familiar. This is not the first time he has used them here. Near three years ago a similar train of argument was used by him in opposition to a bill introduced by the chairman of the Committee of Public Lands. At the last session he was stopped in the midst, n°, the beginning, of a similar argument by the hour of adjournment, which postponed the passage of the bill to settle these claims to this session, although California was suffering

for the want of it then.

The Senator from Missouri, no doubt from a conscientious discharge of his duty, has, in my opinion, interposed more obstacles to the settlement of land claims in California than any or every other member of either House of Congress. He has defeated every bill that has heretofore been brought before the Senate on this subject. If he had, with his great experience and acknowledged talents, three years ago, aided in perfecting the bill from the Committee on the Public Lands, instead of visiting it with his fierce denunciation, it might then have been passed, and most, if not ell, of the California land claims would have been estable for have been passed, and most, it not all, of the California and claims would have been settled forever, to the incalculable benefit of the people of that country: and the same may be said of this bill, defeated by him at the last session. I hope it will not meet with the same fate now, and that the Senate will proceed to discharge its duty to the country by the passage of this or some other measure, by the operation of which these land claims may be finally settled, and the people of California may know what portion of that country balongs to private individuals, and what portion is public domain-move to postpone the further consideration of the bill unti-

Mr. BENTON. It is my intention from this time forth that no statement made about me in point of fact shall pass upon this floor. That is my intention. Now, ser, a made no charge against that Senator, nor have I made any this floor. That is my intention. Now, sir, I have charge against his colleagues in the House of Representati with any design or intention to injure either them or their constituents. I have made no such charges. I happen to know, I happen to have been here long enough to know, that a debate ought to be conducted without being personal. I have been here long enough to know that, and I happen to know how to conduct a debate without running it into personality. Sir, none of my debate. into personality. Sir, none of my debates are personalities, spoke of the character and effects of the bill which the Senator has brought before the Senate. I spoke of the effects of making these titles run the gauntlet through three different trials, and one of them here in the Supreme Court of the United States. I spoke of that at the last session, and ex-

pressed my regret that the delegation from California, including Mr. Farkort, should have felt it to be their duty to yield so far to the prevailing ideas in the United States, as to think of having a board of commissioners, and I regretted they had yielded to the idea of having all the titlee arraigned and to be held invalid until settled by a trial. But before I have done with it I think I shall make out that such a bill as this is, as I have before said, tantamount to a general confiscation of all landed property in California; that in effect it is a violation of the treaty with Mexico; a violation of the laws of nations; a violation of the proclemation issued by the American commanders in California; a violation of the contract to Burlington; is the week. The whole distance of the line from American commanders in California; a violation of the country in lation of the laws, usages, and customs of the country in the week. The whole distance of the line from Boston to Burlington, was seventy-six miles. The contract originally made, was to carry the mail every day throughout the week such as the last session of Congress for dequity, and not because there was any law which applied to his claim. Here was a such a contract to carry the mail seven days in the week; the contractor contracts of the line from 1834. The order to discontinue was incurred for carrying passengers, and all that it is a just one, that was the last session of Congress for payment. I lation of the laws, usages, and customs of the country in which they are; a violation, Mr. President, of the decisions have done with it I think I shall make out that such a bill as this is, as I have before said, tantamount to a general confication of all landed property in California; that in effect it is a violation of the treaty with Mexico; a violation of the laws of nations; a violation of the proclamation issued by the American commanders in California; a violation of the capitulation entered into with the commanders in California; a violation of the laws, usages, and customs of the country in which they are; a violation, Mr. President, of the decisions of the Supreme Court of the United States; and it is no consolation to tell these people that by bringing their claims through three different trials, and coming up here to the United States Government, they may at last get what ought never to have been disturbed. I expect to make this all good, and to give chapter and verse for every thing as I go along. I do not suppose that any thing which I say will of itself weigh much in the minds of Senators; but when I present that which is law and fact, I expect it will receive attention. That is what I propose to do at a proper time.

That is what I propose to do at a proper time.

Now, with respect to this letter of Mr. Fremont, it applies to one of the recent grants made in 1844, I believe, and net Now, win respect to this letter of Mr. Fremont, it applies to one of the recent grants made in 1844, I believe, and net accompanied by possession at the time the grant was made. A special exemption from possession was made on account of the dangers, and these not imaginary; for six men were killed during the first year that Mr. Premont came upon it. Now, as this grant to Mr. Fremont seemed destined to make so large a figure, I must be permitted to say that he had no more to do with the selection of it or with its purchase than you, sir. He had an agent, now in this country, and perhaps in this city, who made the purchase for him. The United States Consul, Mr. Larkin, was requested to buy him a rancho, expecting, I believe, it would be got from the northwest of the bay of San Francisco. But, failing in that, Mr. Larkin bought this lot. This is a statement of the facts in the case; and this letter which has been read applies to his own grants, which were the last which the local authorities were empowed to make. His grant happens to have were empowred to make. His grant happens to have come from the Governor-General of California, Micheltoreno, the last one ever sent out from the Central Government, and whom the people expelled from the Government in that revo-lution which brought the people themselves into the pos-

This grant was made by that officer. This large grant. is to make the great figure, and to pass through all the news-papers, as a case of stupendous speculation; and not only that, but what he said with regard to his own property—a large grant, and a recent one. And he, an American, who has some knowledge of the rights themselves, is to be brought up, and what he said with respect to his own property is to be brought up as a reason why the people of California shall be dragged through three; suits at law, and brought here to the Supreme Court of the United States in order to defend the land which the King of Spain induced them and paid them to accept three quarters of a century ago. This is a strange condition of things, one which he never thought would occur. But I am willing that what Mr. Fremont has written shall be read, and every thing else that Mr. Fremont has written or will be the condition of the same than the same transfer of the same said, but I am not willing that any thing else than what he as said or done shall be read as coming from him.

has said or done shall be read as coming from him.

With these few remarks, to correct the statements made by the Senator from California, I wish to state that I make no charges against him nor against any body. I understand the decorum of this body and of my place, and I would not do it even if I thought it. Let him know that while I make no harges against him or his colleagues in the other branch of charges against him or his colleagues in the other branch of Congress, I deny the effects of his measure out and out, and I say that I spoke against the effect of his measure, and I expect to make good what I say against the effect of his measure when the proper time shall come.

Mr. GWIN. I read the official report of what the Senator

Mr. G WIN. I read the official report of what the Senator from Missouri said the other day, and I did it in order that I might comment upon it properly. It is stated there that the effect of the bill proposed will be to despoil the people of California of a portion of their property. I felt it to be my duty to say to Senators that this bill was agreed upon in its principles by myself and my colleagues of the House of Representatives. Now, if the Senator from Missouri is correct in the assertion that the effect of the bill will be to despoil a portion of the resolute of California of came of their property. the assertion that the effect of the bill will be to despoil a portion of the people of California of some of their property, which will enure to the benefit of the United States, I take occasion to say that this was a pretty serious allegation against the measure, whether it be called a charge or by any other name. I consider it a serious charge to say that the effect will be to despoil the people of California of a portion of their property. I must be permitted to say that I think that Senator is mistaken, and that the public sentiment of the people of California will sustain the measure which is proposed.

With respect to the making a false allegation, I have only to say that I make no issue with that Senator or any other. I am here to represent the people of California, and I shall

I am here to represent the people of California, and I shall do it without fear or favor, and I shall not infringe on the rights of others. I confess that, being a new member, I do not understand the rules as well as others, perhaps; but I more than a half a dozen cases, precisely parallel, in which know my intentions, I know them to be correct, and I intend to pursue them, knowing that I desire nothing but what the Mr. DAWSON. I do not like to interfere with question to pursue them, knowing that I desire nothing but what the understand the rules as well as others, perhaps; but I

before he and myself were elected to the Senate, and it was extensively circulated, and had reference to a question in which he was personally interested; but I do not look at that, look at the principle; and so far as Col. Fremont was conerned, it was the same as that of others in California. I suppose he spoke in favor of a principle which he was ready to sustain. I do not charge in the slightest degree any imputation upon his claim. I know it was purchased by his agent, and that that gentleman is most desirous that Col. Frement should possess it. I know that my colleague knew nothing of the purchase of this claim, and that so far as he was concerned he had no agency in it, nor shall I cast any charge against him or his claim. I am not going to take advantage of any prejudice in that country against large dvantage of any prejudice in that country against large laims; I am going to see, so far as I can, that these large

laims are not prejudiced. The measure I have brought forward is intended to protect them, and give them a right to have their claims tested fairly before a tribunal which has the confidence of the whole country. I take it the officers of this Government will not press the people of California when there is a ground for an appeal to the Supreme Court. If I thought there would be facilities fforded by the bill to prejudice the claims of any one unjustly, I would not give it my support. We know there are charges made in the papers which have been agitating the people, and I want these claims investigated properly. It is my intention that there shall be an appeal from a decision which is believed to be erroneous. I will not pursue [the

iscussion of this question further.

The motion to postpone the further consideration of the ill until to-morrow was then agreed to.

And then, on motion, the Senate adjourned.

FRIDAY, JANUARY 3, 1850. Mr. DOWNS asked and obtained the unanimous consen of the Senate to introduce a bill granting the right of way and making a grant of lands to the States of Louisiana and Mississippi, in aid of the construction of a railroad from Madison-ville, in the State of Louisiana, to Jackson, in the State of Mississippi; which was read a first and second time by its itle, and referred to the Committee on Public Lands.

The Senate proceeded to the consideration of the following esolution, which was submitted by Mr. Coopen on the 9th

ultimo:

Resolved, That the Secretary of the Treasury be requested forthwith to report to the Senate the quantity and value of tea, coffee, salt, sugar, flour, grain, and provisions generally, wool, coal, and iron, the produce of foreign countries, imported and exported; the value of all manufactures of cotton, wool, and flax, the produce of foreign countries; of pig copper, and of French merchandise imported and exported; the quantity and value of cotton, tobacco, rice, flour, grain, provisions generally, and naval stores, domestic produce, exported; the quantity of shipping built, and the number of immigrants from foreign countries during the last fiscal year.

Mr. COOPER. Mr. President, I hope that resolution will be passed by for the present. I am informed that information has been received which will render it unnecessary to pass that resolution in its present shape. I move to lay the

pass that resolution in its present shape. I move to lay the resolution upon the table. The motion was agreed to.

RELIEF OF A POST OFFICE CONTRACTOR. The bill for the relief of Ira Day, of Vermont, came up on

ne question of its passage.

Mr. DAWSON. I desire to hear the grounds upon which this claim is founded. I ask that the bill and the report of the committee may be read, as I wish to know whether it is on the ground that the Postmaster General has failed to fulfil contract upon which he has entered. The bill and report were then read.

Mr. DAWSON. The principle which this bill seeks to stablish is this: that if the Postmaster General thinks it for the interest of the public to issue an order for the discon-tinuance of the contract for carrying the mail on any route leily, and the contractor should go on in violation of that rder and carry the mail daily, the Congress of the United States must then interpose between the Department and the contractor, and sustain the contractor in violating the order of the Postmaster General. We have now just such a case pending upon a contract upon a line between Georgia and ma, and the same controversy has arisen. If we depart from the principle of leaving this matter to the discretion of the Postmaster General, he can never know to what extent appropriations may be necessary to fulfil the contracts, or to pay claims for service rendered without the authority of the proper Department. For one, I feel unwilling to interpose; I shall sustain the Department in carrying the laws relating

to the Department into effect.

Mr. UPHAM. I am sorry that this bill has met with so much opposition, as it seems to be a plain case. The Senator

there was any law which applied to his claim. Here was a contract to carry the mail seven days in the week; the contractor prepared to perform that work; he furnished himself with horses and coaches and every thing necessary to do it every day in the week. The whole distance of the line from Boston to Burlington is three hundred and twenty miles, and this portion of the line which was discontinued, from Royalton to Burlington, was seventy-six miles. The contract originally made, was to carry the mail every day throughout the whole distance, and it was carried every day from the time it was made in 1833 up to 1834. It appears that the embarrassed condition of the Post Office Department induced the Postmaster General to order a discontinuance, not on the whole line, but only from Royalton to Burlington, the last seventy-six miles of the line, for one day in the week. This order was quite unexpected on the part of the contractor, and order was quite unexpected on the part of the contractor, and it was inconvenient for the public, to all the men of business on that route, and the contractor was urged by all of them to continue to run his coach every day. I admit that the Post continue to run his coach every day. I summe the running of the mail one or two days if necessary; but this route was not the mail one or two days if necessary; but this route was not the multicontent of the running the mail one or two days if necessary; but this route was not discontinued because the public interest did not require that it should be kept up. It appears that it was owing to the condition of the Post Office Department, and was only a temporary arrangement; for, after the contract with this individual expired, the Postmaster General ordered the mail to be carried again every day in the week, and this same person also afterwards contracted to run it every day in the week. also afterwards contracted to run it every day in the week from February to July; and for that service also his pay is Now, is there a Senator on this floor who desires that this

expired for nothing, when he did it for the convenience of the public, and on account of the embarrassed condition of the Post Office Department? I admit he has no legal claim; I admit that the Postmaster General is right, because he had given the order to discontinue the convenience he given the order to discontinue the carrying of the mail one lay in the week; but the question is, is it not just, as beday in the week; but the question is, is it not just, as between this Government and the contractor, that now, when
the Department is solvent and able to pay for the service, he
should be paid for his outlay? No interest is asked whatever. The applicant is in reduced circumstances, and as
similar claims have been allowed, I think we should allow
this. One claim, as I said, of five thousand dellars was allowed at the last session, upon the verbal report of the chairman of the committee. That was a contract to carry a mail
a certain distance with a two-horse coach, and take the passengers which came on the other part of the route with four
horses, and he applied for liberty to put a four-horse coach horses, and he applied for liberty to put a four-horse coach upon the route. The Postmaster General objected, and told him he must run a two-horse coach according to the contract. He, however, put on a four-horse coach, and Congress allowed him five thousand dollars for the service he rendered.

Now, I know that the Postmaster General ordered the discontinuance of the service from Royalton to Burlington for one day in the week. But it appears that it gave great inconvenience to those interested in the mail matter, and that they urged the contractor to run as he had done, and trust to the justice of the Government. Will any just Government refuse to pay for such service? I hope this will not be done in this case. This person run the mail when the Department was unable to furnish the funds to pay him, at the solicitation of persons interested, and now he only asks for his pay without interest. I cannot believe there is a Senator who desires that this case. esires that this contractor should thus run the mail for the

United States for nothing.

Mr. RUSK. I wish to say, simply, that this claim cannot the be considered strictly a legal one, under the terms of the contract, but it is most clearly an equitable one, and very strongly so. The reservation as to changing the time of carrying the mail on any routes is very common in all con-tracts, and it ought to be so construed for the purpose of carrying out the objects attempted in supplying a mail if it in needed, and only when it is needed. The circumstances needed, and only when it is needed. The circumstances which induced the entering into this arrangement, in the contract for carrying the mail between these two points, were not the same as those which existed at the time of its discontinuance. If the reservation had been carried out fairly, the service would have been discontinued for one day in the week through the entire route. But this route was in the centre, and it operates on both ends of the route. The individual who contracted to carry the mail on this portion of the route, had stock enough to carry the mail according to the contract; but here was a part of the route discontinued while on the ends of the line the mail was run every day. This was a source of inconvenience to every one upon the route. Yet I do not justify the contractor in going contrary to an order of the Department, because citizens in any part of the country might advise or desire it. This, however, was a pecountry might advise or desire it. Inis, nowever, was a p-culiar case, because the mail would be stopped in the centre of the line for one day. Under these circumstances, it seems to me it is a very strong equitable appeal to the Congress of the United States. There have been instances, perhaps

terests of my constituents require, and what I think they of this kind, but I wish to ask the chairman of the Commit tee on the Post Office and Post Roads, to state whether the Post Office Department has ever made ary recommendation to either branch of Congress in relation to this particular application—whether they have stated that the public service demanded that the mail should be carried every day, and whether it was from the embarrassed condition of the Post Office Department that the Postmaster General had directed this service to be suspended one day in the week?

Mr. RUSK. The only report from that Department is,

that the service was stopped.

Mr. DAWSON. And there were no other facts, were

Mr. RUSK. There were not. I presume the present Postmaster General felt a delicacy in making a statement in regard to it, as the suspension occurred under a previous ad-

Mr. DAWSON. Then, if the proper officers would feel

a great delicacy in recommending this to our notice, I think we ought to hesitate before we allow the claim. It is the principle for which I contend. It is said that this service was suspended at a time when the Post Office Department was in an embarrassed condition, and that it was all done in conformity to the contract. The question, then, is, can an individual claim compensation for an injury received when the Government, on its part, conforms to the contract? Suppose the Postmaster General had discontinued any other mail service throughout the United States, and other individuals a well as these, who desired to have the mail carried every day in the week for their own convenience, should take it upor themselves to procure the carrying of the mail every day in the week, in violation of an order of the Department, and sub sequently should come and ask Congress to compensate the contractor for his services? How could we manage this great machinery, and what confidence could the Postmaster General have in any estimate which he may make and lay before Congress, and how can he ask for suitable appropriations for carrying the mails, if this principle is to prevail? It is the principle for which I contend, and not for the amount of money involved. The Postmaster General had a right to suspend this service, and he did it in conformity with the powers conferred upon him, and I cannot see how this party can have any claim upon us. Although it is said there are precedents for allowing this claim, I think they must have past without the consideration of Congress, as this measure did yesterday; for it did not even come to my knowledge yesterday. yesterday; for it did not even come to my knowledge yester-day. If this question had been presented to me, in relation to this very point, I should have given it as my opinion that no contractor has a right to violate an order of the Postmaster General, and then come in and claim compensation for his service, upon principles of equity. We are not here for the purpose of revising the acts of another branch of Government. We can never carry on the service of the Government with economy, with this kind of clashing between the different departments. I should have preferred to have the Committee on the Post Office and Post Roads call on the Departme on the Post Office and Post Roads call on the Department to state whether, in their opinion, it is proper that this claim should be allowed, and to see whether this act differs from any other ever presented. It is said this was an intermediate route, one upon which the other coaches upon the other parts of the route were running daily, and that in consequence of the solicitations of business men upon the route, the contractor determined to run this seventy-six miles every day in the the solicitations of business men upon the routs, the contractor determined to run this seventy-six miles every day in the week also. If that be so, and if there were four horse coaches employed, then it was for the convenience of passengers that the coaches run. Is the Government to pay for the service of any individuals thus rendered for the convenience of passengers? The law of 1844 is strictly against that. We made a law that we should pay for carrying the mails, and according to the contract no other service shall be paid for. When it is for the convenience, for the accommodation of passengers to run four horse coaches, the contractor may run them, but the Government will have tothing to do with it. We pay for carrying the mail, and when we have paid for this service according to law, we have done our duty. paid for this service according to law, we have done our duty. If this principle has heretofore been violated, I think it is time we should put an end to its further violation, and to sustain the Post Office Department until it has been clearly shown that there has been a violation of duty on the part of that Department. In this instance it is clearly shown that the Postmaster General performed his duty faithfully to the Gov-Mr. GWIN. I move to postpone this subject in order to take up the California land bill. Mr. UPHAM. I wish to state that there is a slight mis

take in the statement made by the Chairman of the Commit-tee, (Mr. Rusz.) I stated that the distance from Boston to Burlington was two hundred and thirty miles, and that the distance from Royalton to Burlington was seventy-six miles, and that this was at the end of the route where the order to discontinue the service was made. I stated also that the very reason why this mail was run was on account of the urger solicitation from citizens upon this part of the route. I say again that the question is, did the public convenience require

the service has been rendered when the Department was embarrassed, and I see no reason why it should not be paid.

The PRESIDENT. The proposition before the Senate is to postpone the further consideration of this bill till to-morrow. The question being taken, and a division being called, there were: Ayes 19, noes 19.

So the motion to postpone

So the motion to postpone was not agreed to.

The question was then taken on the passage of the bill, and

FORTIFICATION OF SHIP ISLAND. The bill for the fortification of Ship Island, off the coast of Mississippi, was read a third time and passed.

LAND TITLES IN CALIFORNIA. On motion of Mr. GWIN, the Senate resumed the consideration of the bill to ascertain and settle the private land claims in the State of California.

After a debate of considerable length the further considera-

tion of the bill was postponed, and the Senate adjourned to

HOUSE OF REPRESENTATIVES.

The Journal of Tuesday having been read-Mr. STANTON, of Kentucky, by unanimous consent, in pursuance of previous notice, introduced a bill granting a portion of the public lands to the State of Kentucky, to enable her to aid in the construction of the Mayaville and Lexington, Covington and Lexington, Louisville and Nashville, and Maysville and Big Sandy Railroads; which was read twice and referred to the Committee on the Public Lands.

Mr. JOHNSON, of Arkaness, by unanimous consent,

Mr. JOHNSON, of Arkansas, by unanimous consent, offered the following resolution:

Resolved. That the Committee on Indian Affairs be requested forthwith to furnish to the House of Representatives a report relative to the troubles with the Winnebago Indians, in the Territory of Minnesota, in the months of June and July last; and to accompany such report with copies of such papers as may be on file in his office relating to said Winnebago troubles, and the expenses incurred in quelling the same.

The resolution was agreed to.

PRIVATE CALENDAR. The House went into Committee of the Whole on the state of the Union, (Mr. Bowlin, of Missouri, in the chair,) and proceeded to consider the bills on the private calendar.

Bills of the following titles were laid aside to be reported to the House, with the recommendation that they do

Duncan, late master commandant in the United States navy.

A bill for the relief of Monmouth B. Hart, Joel Kelly, and William Close, securities for the late Benjamin F. Hart, a purser in the United States navy.

A bill for the relief of Thomas Ryder, a British subject.

pass:
A bill for the relief of Sarah Duncan, widow of Silas

A bill for the relief of Eleanor Davidson.

A bill granting a pension to Sarah A. Bush.

A bill for the relief of Joseph Johnson.

A bill for the relief of Polly Carver, executrix of Nathan

A bill for the relief of John Poe, of Louisville, Kentucky. A bill for the relief of Capt. William Duerson, of Indiasa. A bill for the relief of the legal representatives of Bernard

A bill for the relief of Edmund Dexter, of Cincinnati. A bill for the relief of Adolphus Meier & Co. of St. Louis

A bill for the relief of John Deamit. A bill for the relief of Andrew Smith.

A bill for the relief of Andrew Smith.

A bill to provide for the payment of certain moneys to the legal representatives of Conrad Ten Eyck, late marshal of the District of Michigan, deceased.

A bill to provide compensation to Wm. Woodbridge and Henry Chipman, for services in adjusting titles to lands in Michigan, and for other purposes.

A bill to compensate and reimburse the owners and crew of the whaling ship Chandler Price the losses and expenses incurred in representations.

on the whaling ship Chandler Price the losses and expenses incurred in ransoming the crew of the ship Columbia.

On motion of Mr. WALDO, the amount in the bill granting a pension to Mary Pike, widow of Ezra Pike, deceased, was increased from \$44 12 to \$54 76. On motion of Mr. DUNHAM, the bill for the relief of

John Roseberry, was amended by making his pension com-mence on January 1st, 1850, instead of in 1844. On motion of Mr. AVERETT, the bill for the relief of Thomas R. Saunders was amended, so as to make the pen-sion commence in January, 1850, instead of in 1848.

On motion of Mr. DUNHAM, the bill to increase the pension of Henry Click, of Cocke county, Tennessee, was amended so as to make said increase commence in 1850, instead of 1848. On motion of Mr. MORRIS, the bill for the relief of War-

mence in 1850, instead of 1846.

On motion of Mr. MORRIS, the bill for the relief of George S. Clafflin, was amended by making the pension begin in

1850, instead of 1849.

On motion of Mr. DUNHAM, the bill for the relief William Sparks was amended by making his pension commence

in 1850, instead of in 1847.

The following bills were objected to, and lie over under the The joint resolution requiring the Secretary of the Navy to

enter into contract for a supply of water-rotted hemp, for the use of the navy, with George W. Billings, was objected  $\nu$  by Mr. Morehead.

The bill for the relief of Henry La Beintree, was objected

to by Mr. Thomas.

The bill for the relief of the heirs of Lieut. Col. Henry Miller was objected to by Mr. Monnis.

The bill for the relief of Anthony Walton Bayard was ob

jected to by Mr. CONGER.

The bill for the relief of Thomas Coats was objected to by Mr. DUNHAM. The bill for the relief of Parmelia Slavin, late wife of John

Blue, deceased, was objected to by Mr. Dunham.

The bill for the relief of George Keller was objected to be Mr. DUNHAM.

The bill for the relief of George G. Bishop, and the lea

representatives of John Arnold, deceased, was objected by Mr. Purnam. The bill for the relief of Messrs. Watson, Chabot & Co.

was, on motion Mr. THOMAL, laid aside to be eport to the House with the recommendation that it be led on the The bill for the relief of the heirs of George F. Reed, de-

ceased, was objected to by Mr. Dunham.

The bill for the relief of the legal representatives of Benjamin Fry, deceased, was objected to by Mr. Cangen.

The bill for the relief Mrs. Susan C. Randall was objected

to by Mr. McMullen. The bill for the relief of the heirs of Nicholas Lachance and

others, was objected to by Mr. DUNHAM.

The bill for the payment of a debt due to the heirs of Antoine Peltier, was objected to by Mr. DUNHAM.

The bill for the relief of the heirs of Thomas Wishart was

objected to by Mr. Millson.

The committee having risen and reported their action to In accordance with the recommendation of the committee

the bill for the relief of Messrs. Watson, Chabot & Co. was laid on the table.

The bills which the committee reported to the House, with

the recommendation that they pass, were read the third time and passed, with the exception of a bill for the relief of Anrew Smith, which—
Mr. BOWLIN, signifying a desire to discuss, lies over

under the rule.

The amendments made to certain bills by the committee were then concurred in by the House, and the bills were read the third time and passed.

Mr. McGAUGHEY, by unanimous consent, submitted

minority report from the Committee of Elections in the New Hampshire contested election case, in favor of Jaren Per-kins, contestant of the seat of Mr. Morrison, which was referred to the Committee of the Whole on the state of the Union and ordered to be printed.

Mr. GILBERT, by unanimous consent, in pursuance of previous notice, introduced the following joint resolution:

Mr. GILBERT, by unanimous consent, in pursuance of previous notice, introduced the following joint resolution:

A Joint Resolution to make so much of "An set making appropriations for the support of the army for the year ending the 30th of June, 1851," approved September 28, 1850, as provides "for extra pay to the commissioned officers and enlisted men of the army of the United States serving in Oregon and California," retroactive in its effect.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act above named as provides "for extra pay to the commissioned officers and enlisted men of the army of the United States serving in Oregon and California," is hereby made retroactive in its effect; so that the said allowance of extra pay shall commence and date from and after the first day of May, one thousand eight hundred and forty-eight; and all commissioned officers and enlisted men of the army of the United States who shall have served in California or Oregon at any time subsequent to the aforesaid first day of May, one thousand eight hundred and forty-eight, are hereby declared entitled to receive said extra pay; and the Secretary of War is hereby directed to cause such commissioned officers and enlisted men who may have served as aforesaid, to be paid out of any moneys remaining in the Treasury which are apprepriated for the extra pay of officers and soldiers serving in California and Oregon by the act above named.

The joint resolution was read twice and referred to the

The joint resolution was read twice and referred to the Committee on Military Affairs.

And the Senate adjourned.